



MODEL INDUSTRIES INC.

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April 12, 1983

Regional Hearing Clerk, EPA
Region 9
215 Fremont Street
San Francisco, CA 94105

Re: Request for Hearing
Docket No. 9183-RCRA-6

Union Manufacturing, Inc.
EPA I.D. No. AZD088301213

Dear Sir or Madam:

Union Manufacturing, Inc., a subsidiary of Model Industries, Inc., hereby exercises its right to request a hearing in response to violations enumerated in the Administrative Compliance Order and Assessment of Penalties, dated March 9, 1983 and received March 15, 1983.

As background information, please be advised that Union Manufacturing has, since April, 1982, repeatedly attempted to correct its improper classification as a large scale, hazardous waste generator and storage facility, to that of a small quantity generator as defined in 40 CFR Part 261.5 (g).

The current classification was based on erroneous information submitted by the former owners, Triangle Manufacturing of Stamford, Connecticut, in a permit request dated November, 1980. Union Manufacturing became a subsidiary of Model Industries located in Yorkville, Illinois, on December 22, 1980. It is now, and always has been, a facility engaged in the manufacture of metal tool boxes.

All violations enumerated, as well as all fines assessed, are not applicable to a facility such as Union Manufacturing since it does not engage in the storage or treatment of hazardous waste.

Union Manufacturing therefore answers the charges as itemized in Docket 9-83-RCRA-6 as follows:

- Count I. Failure to analyze waste and develop an analysis. Answer: Charge denied; not applicable.
- Count II. Failure to maintain a security system. Answer: Charge denied; not applicable.
- Count III. Failure to minimize the possibility of any unplanned sudden or non-sudden releases. Answer: Charge denied; not applicable.
- Count IV. Failure to develop a contingency plan. Answer: Charge denied; not applicable.

- Count V. Failure to develop and maintain a ground water monitoring program. Answer: Charge denied; not applicable.
- Count VI. Failure to furnish financial assurance for closure. Answer: Charge denied; not applicable.
- Count VII Failure to furnish financial assurance for post-closure. Answer: Charge denied; not applicable.
- Count VIII. Failure to demonstrate financial responsibility. Answer: Charge denied; not applicable.
- Count IX. Failure to maintain containers in good condition; maintaining open containers and not maintaining containers to prevent leaks. Answer: Charge denied; this was an isolated incident involving very few containers which was immediately corrected and should not carry a penalty equal in severity to that given a waste storage and treatment facility.

In as much as the above charges are unfounded and the result of the EPA's failure to cooperate with Union Manufacturing to correct an erroneous classification, we request that the hearing be held in the Phoenix, Arizona area so that any unrecoverable expense may be avoided.

I will be in the Phoenix area from the afternoon of April 25, 1983, through the morning of April 29, 1983. Please make arrangements for the hearing to be held during this time period.

Sincerely,



Claude B. Siemien,
Manufacturing Manager

CBS/rw

cc: David M. Jones
Harry Seraydarian